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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 UNITED STATES OF AMERICA,) No. CR 06-00222-SBA
18 Plaintiff,) STIPULATION AND PROTECTIVE
19 v.) ORDER RE: DISCOVERY OF CHILD
20) PORNOGRAPHY
21 WARREN G.H. CRECY, JR.,) OAKLAND VENUE
22 Defendant.)
23 _____)

24 With the agreement of the parties, and with the consent of the defendant, the Court enters the
25 following order:

26 Defendant is charged with certain offenses pertaining to the transportation of child
27 pornography, in violation of 18 U.S.C. § 2252. The United States will produce to counsel for the
28 defendant in this case discovery, including digital media, that contains images of child
pornography. Pursuant to the child victim privacy provisions of 18 U.S.C. § 3509(d) and
Federal Rule of Criminal Procedure 16, the United States requests that disclosure of these
materials be subject to the following restrictions:

STIPULATION AND [PROPOSED] PROTECTIVE ORDER

- 1 1. Except when being actively examined for the purpose of the preparation of the defense of
2 defendant Warren Crecy, the digital and/or paper media produced by the United States to
3 defense counsel, Ms. Joyce Leavitt, shall be maintained in a locked, safe, and secure
4 drawer, cabinet, or safe which is accessible only to Ms. Leavitt, members of her trial
5 preparation working with her to prepare Mr. Crecy's defense, and her investigator. Ms.
6 Leavitt, members of her trial preparation team, and the investigator shall not permit any
7 person access of any kind to the digital and/or paper media or information related to child
8 victims except as set forth below.
- 9 2. The following individuals may examine the digital and/or paper media for the sole
10 purpose of preparing the defense of defendant Warren Crecy and for no other purpose:
 - 11 a. Counsel for the defendant, Joyce Leavitt;
 - 12 b. Persons employed by the Office of the Federal Public Defender who are assisting
13 with the preparation of Warren Crecy's defense;
 - 14 c. Defendant Warren Crecy, but only in the presence of his attorney;
 - 15 d. Any expert(s) retained on behalf of defendant Warren Crecy to assist in the
16 defense of this matter; and
 - 17 e. Any investigator(s) retained on behalf of defendant Warren Crecy to assist in the
18 defense of this matter.
- 19 3. A copy of this order shall be maintained with the digital and/or paper media at all times.
- 20 4. All individuals other than Ms. Leavitt and Warren Crecy who receive access to the
21 materials pursuant to this Order, prior to receiving access to the materials, shall sign a
22 copy of this Order acknowledging that:
 - 23 a. They have reviewed the Order;
 - 24 b. They understand all its contents;
 - 25 c. They agree that they will only access the digital media for the purposes of
26 preparing a defense for defendant Warren Crecy;
 - 27 d. They will not make any copies of any image files within the digital media without
28 further order of the Court;

STIPULATION AND [PROPOSED] PROTECTIVE ORDER

1 e. They will not access the digital media from any computer that is connection to the
2 Internet or to any local network; and
3 f. They understand that failure to abide by this Order may result in sanctions by this
4 Court and in state or federal criminal charges for possession or dissemination of
5 child pornography.

6 Counsel for Warren Crecy, Ms. Leavitt, shall promptly file signed copies of the Order, ex
7 parte and under seal. The United States shall have no access to these signed copies
8 without further order of the District Court.

9 5. No other person may be allowed to examine the material without further court order.
10 Examination of the digital and/or paper media shall be done in a secure environment
11 which will not expose the materials to other individuals not listed above.
12 6. No copies of any image files contained in the digital and/or paper media may be made
13 without further court order. The prohibition on copying includes (1) printing out images
14 onto paper or film and (2) duplicating the images in any digital format. Non-image files
15 such as word processing files, e-mails, and other text files may be duplicated to the extent
16 necessary to prepare the defense of this matter.
17 7. The computer from which the digital media will be accessed shall not be connected to the
18 Internet or to any other computer network.
19 8. Any pleadings that include or make reference to the above-described materials or their
20 contents shall be filed under seal.
21 9. Within five court days of the judgement and sentencing hearing in this matter, all
22 material provided to defense counsel pursuant to this Order, and all other authorized
23 copies, if any, shall be returned to the United States. The United States shall destroy
24 them. If defendant believes that he must maintain the material for any reasons related to
25 appeal, defendant must seek authorization from the District Court within five days of the
26 sentencing and judgment in this matter.

1 SO STIPULATED:

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3 KEVIN V. RYAN
United States Attorney

4 Dated: 4/11/06

5 By: /s/
6 MICHELLE MORGAN-KELLY
7 Assistant United States Attorney

8 Dated: 4/11/06

9 /s/
10 JOYCE LEAVITT
11 Attorney for Defendant

12 IT IS SO ORDERED that disclosure of the above-described discovery materials shall be
13 restricted as set forth above.

14 Dated: 4/17/06

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16 SAUNDRA BROWN ARMSTRONG
17 United States District Court Judge

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STIPULATION AND [PROPOSED] PROTECTIVE ORDER